

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Wheeling**

**CLAYTON STEVEN COLLINS,**

Plaintiff,

v.

**CIVIL ACTION No. 5:24-CV-105**  
Judge Bailey

**DR. AYNE AMJAD**, Medical Director of  
Correctional Healthcare, **DR. JAMES  
BEANE**, In charge of Medical Dept., St.  
Marys Prison, **CARLA DEEM**, RN,  
**MELINDA GOFF**, and **JAMES  
HERSELL III**,

Defendants.

**ORDER**

The above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Mazzone [Doc. 43]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Mazzone for submission of a proposed report and a recommendation ("R&R"). Magistrate Judge Mazzone filed his R&R on September 20, 2024, wherein he recommends that the pending Motions to Dismiss [Docs. 20, 24, & 36] be granted and that the case be dismissed with prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal

conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.<sup>1</sup>

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, Magistrate Judge Mazzone's Report and Recommendation [Doc. 43] is **ADOPTED**. Defendants' Motions to Dismiss [Docs. 20, 24, & 36] are **GRANTED** and the above-styled case is **DISMISSED WITH PREJUDICE**.

The Clerk is **DIRECTED TO STRIKE** the above-styled case from the active docket of this Court.

It is so **ORDERED**.


The Clerk is directed to transmit copies of this Order to any counsel of record and to mail a copy to the *pro se* plaintiff.

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<sup>1</sup> Pursuant to the R&R, "Within fourteen (14) days after being served with a copy of this Recommendation, any party may file with the Clerk of this Court, **specific written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection.**" See [Doc. 43 at 12].

Service of the R&R was accepted on September 23, 2024. See [Doc. 44]. September 23, 2024, was twenty-four (24) days ago. Thus, this Court did not just wait the standard fourteen (14) days—this Court waited an additional ten (10) days before ruling on the pending R&R.

**DATED:** October 17, 2024.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE